



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/862,922

05/22/2001

Colleen J. McGinn

60104-1510

9276

23506

7590

10/19/2004

GARDNER GROFF, P.C.
PAPER MILL VILLAGE, BUILDING 23
600 VILLAGE TRACE
SUITE 300
MARIETTA, GA 30067

EXAMINER

CHASE, SHELLY A

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,922

Applicant(s)

MCGINN ET AL.

Examiner

Shelly A Chase

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-16 and 18 to 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 to 24 are presented for examination. The amendment filed 6-7-2004 canceled claim 4 and amend claims 1 and 23 to 26.

Response to Amendment

2. The objection of claims 24 to 26 is withdrawn.
3. Claims 1 to 3, 5 to 16, 18 to 28 and 29 rejected under 35 U.S.C. 102(b) as being anticipated by Okanou et al. is maintained.

Response to Arguments

4. Applicant's arguments filed 6-7-2004 have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

Applicants remarks page 9, par. 3, states that Okanou does not teach or suggest applicant's invention that of a second logic is reconfigurable to allow the comparison bit value to be altered; however, the examiner disagrees with applicant for the following reasons: Okanou teaches a router may comprise an analyzer/reconfiguring means [503] wherein the analyzer includes an inherent address and router address association data comparing means comparing against data stored in a database. Okanou also teaches that the process of the analyzer

reconfigures and transfers the packet after comparing the received data to the stored data (see col. 22, lines 35 et seq.). Okanoué further teaches that each router maintains the same data as in the auxiliary network database (see col. 18, lines 55 to 60) and the database is updated to maintain proper inherent and positional address association (see col. 18, lines 25 to 30).

Therefore, the examiner maintains that Okanoué teachings of a router, comparing a received packet to an association database, reconfiguring the system and transferring the packet reads on the claimed limitation of “the second logic is reconfigurable to allow the comparison bit value to be altered.” In other words, Okanoué teaches that his invention maintains a constant update of the inherent address and the positional address stored in the database and after the receipt of the inherent address is processed of a received packet the router performs an updating and or reconfiguring step thus, the comparison process changes as the data is analyzed.

With respect to the argument on page 10, par. 1, which states that Okanoué fails to teach or fairly suggest reconfiguring the comparison device itself, the examiner disagrees with applicant because, applicant claims reconfiguring a logic and since, a logic is consider as either hardware or software, the reconfiguration of Okanoué meets the claimed limitation. The examiner would like to also point out that applicant's claim recites **the second logic is reconfigurable to enable the bit comparison value to be altered** and not reconfiguring the comparison device as argued.

For the sake of argument, Okanoué teaches that the router includes a means for automatically updating the database and a step of an analyzer located within the router

reconfigures then outputs the packet thus, the router itself is performing some form of reconfiguration as well as the router includes sub components that are reconfigured.

Therefore, the teachings of Okanoué meet the claimed limitation as argued.

The mere fact that additional portions of the same reference may have been mentioned or relied upon does not constitute new ground of rejection. *In re Meinhardt*, 392, F.2d 273, 280, 157 USPQ 270, 275 (CCPA 1968).

The examiner thus maintains that Claims 1 to 3, 5 to 16 and 18 to 29 are unpatentable over the prior art of record.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1 to 3, 5 to 16 and 18 to 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Okanoué et al..

Claims 1 and 23:

Okanoué teaches a router including a header analyzer/reconfigurator [503] for analyzing a received packet. The analyzer/reconfigurator comprising: a means for detecting the inherent address and a means for detecting the position address wherein the detected addresses are used to determine terminal connections and routing (see col. 5, line 54 to col. 6, line 25 and col. 20 lines 1 to 17), interpreted as "first logic, the first logic being configured to select a particular bit pattern in the data frame for interrogation." Okanoué teaches that the analyzer/reconfigurator also includes

comparing means ("second logic") for comparing the reliability of the packet addresses (see col. 6, lines 26 to 42 and col. 20, lines 30 et seq.).

Okanoue further teaches that the analyzer/reconfigurator includes a means for converting and transferring the packet based on the data received from the comparing means (see col. 6, lines 43 to 49 and col. 21, line 1 et seq.), interpreted as "third logic, the third logic being configured to determine a location to which the comparison result is to be routed." Okanoué further teaches the analyzer reconfigures the packets based on the router address and the router may reconfigure the packet (see col. 14, lines 30 to 35).

As per claims **2**, **4**, and **6**, Okanoué discloses reconfiguring the packets based on certain criteria (see col. 22, lines 35 et seq.), and the router reconfiguring the data (see col. 21, lines 11 et seq.).

As per claims **3**, **5** and **7**, Okanoué discloses the positional address is indicated by time and proper transmission of the packets required that the association of the inherent address and the positional be correctly maintained (see col. 17, lines 35 to 40), interpreted as the first, second and third logic reconfiguring in real-time.

As per claim **8**, Okanoué discloses a means for replacing the destination address based on the positional address when a true value or a false value is outputted by the comparing means and the router transfers the packet (see col. 21, lines 30 et seq.), interpreted as forth logic.

As per claim **9**, Okanoué discloses the determining an inherent address, determining a positional address, comparing the inherent address with router address

association data with a database and reconfiguring the packet (see fig. 11a –11b and col. 22, lines 35 et seq.), interpreted as fifth, sixth and seventh logic.

As per claims **10 to 12**, Okanoué discloses the analyzer reconfigures the packets and the router converting the positional address based on received value (see col. 24, lines 15 to 26).

As per claims **13, 14 and 15**, Okanoué discloses the positional address is indicated by time and proper transmission of the packets required that the association of the inherent address and the positional be correctly maintained (see col. 17, lines 35 to 40), interpreted as the fifth, sixth and seventh logic reconfiguring in real-time.

As per claim **16**, Okanoué discloses a means for replacing the destination address based on the positional address when a true value or a false value is outputted by the comparing means and the router transfers the packet (see col. 22, lines 8 et seq.), interpreted as eighth logic.

As per claims **18 to 19 and 28**, Okanoué teaches the routers includes header processor [2102] wherein the processor includes packet reconfigurators [2404 & 2403] reconfiguring the address and providing updates (see col. 29, lines 29 et seq.) and the router includes a control packet processor providing updates (see col. 29, lines 25 to 28); interpreted as “wherein the first, second, third, fourth, fifth, sixth and seventh logic are comprised in an application specific integrated circuit” and “receives programming signals from a programming processor.”

As per claims **20 to 22**, Okanoué discloses the packets are formatted with IP protocol for mobile communication (see col. 16, lines 55 to 66) and the

analyzer/reconfigurator is in a router (see col. 19, lines 49 to 51); interpreted as "wherein the apparatus is incorporated into a network interface device."

As per claims **24, 25** and **26**, Okanoue discloses the positional address is indicated by time and proper transmission of the packets required that the association of the inherent address and the positional be correctly maintained (see col. 17, lines 35 to 40), interpreted as the as the data can be programmable altered in real-time.

As per claim **29**, Okanoue teaches the analyzer/reconfigurator is in a router (see col. 19, lines 49 to 51) and in the analyzer there are reconfigurators that reconfigure the data and a control processor providing updates (see col. 29, line 29 et seq.).

Allowable Subject Matter

1. Claim-17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2133

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelly A Chase whose telephone number is 703-308-7246. The examiner can normally be reached on Mon-Thur from 8:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shelly A Chase